



**REGULAR MEETING OF CITY COUNCIL
HELD MONDAY, JUNE 21, 1999**

Mayor Davis called the meeting to order at 8:15 p.m.

ROLL CALL was answered by Edward V.J. Putens, Rodney M. Roberts, Alan Turnbull, Thomas X. White and by Judith F. Davis, Mayor.

ALSO PRESENT were Michael P. McLaughlin, City Manager; Robert Manzi, City Solicitor; W. Bowman Ferguson, Senior Management Analyst and David E. Moran, City Clerk.

Mayor Davis observed a moment of silence for John Robert Jacobs and Margaret Brown Ledwith. Then, she led the Pledge of Allegiance to the Flag.

CONSENT AGENDA: Mr. Putens moved approval of the consent agenda. Mr. Turnbull seconded. The motion passed 5 to 0.

COUNCIL THEREBY TOOK THE FOLLOWING ACTIONS:

MINUTES:

- Work Session, May 26, 1999
- Interview, May 27, 1999
- Work Session, May 27, 1999
- Work Session #1, June 2, 1999
- Work Session, June 9, 1999
- Interview, June 10, 1999
- Work Session, June 10, 1999

ACCEPTANCE OF JOB DESCRIPTIONS - ARTS COORDINATOR & ASSISTANT DIRECTOR OF RECREATION: Council accepted the job description and the reclassification.

COUNTY CURFEW LAW - REFERRAL TO PUBLIC SAFETY COMMITTEE: Council referred this matter to the Public Safety Advisory Committee.

VARIANCE REQUEST: Council adopted the Board of Appeals Resolution for variance application 99-0001-V by consent.

APPOINTMENT TO SENIOR CITIZENS ADVISORY COMMITTEE: Council appointed Etta Mae Fitzgerald to the Senior Citizen Advisory Committee and directed staff to prepare the appropriate appointment letter.

RESIGNATION FROM RECYCLING & ENVIRONMENT COMMITTEE: Council accepted Ms. Shieber's decision with regret and directed that the appropriate letter of appreciation be drafted for the Mayor's signature.

APPROVAL OF AGENDA: Mr. Roberts added "Tree Removal at 56 Crescent." Mayor Davis added "A Letter to Mary Prangley." With these changes, Mr. Putens moved that the agenda be approved. Mr. Turnbull seconded. The motion passed unanimously.

PRESENTATIONS: There were no presentations scheduled for this meeting.

PETITIONS AND REQUESTS:

Request from Elizabeth Chandler: Elizabeth Chandler, a resident of Hyattsville, appeared and requested that the City support her lobbying the County to reduce their euthanasia rate of unwanted animals. She stated that Riverdale and College Park had endorsed her position through resolutions.

Mayor Davis commended Ms. Chandler for her efforts. Mr. McLaughlin suggested a referral to the Police Department, since Animal Control falls under their purview.

Mr. Roberts suggested that members of the Dog Park Association may want to comment. He thanked Ms. Chandler for her emphasis on restricting animal breeding.

Mr. White also expressed support for Ms. Chandler's efforts. He noted that the County may not listen to municipalities and suggested she contact civic associations. He also noted that the city may wish to re-word the resolution.

Mayor Davis suggested contacting other animal groups. Mr. Putens thanked Ms. Chandler for her efforts.

Council directed staff to refer Ms. Chandler's request to the Police Department and the Greenbelt Dog Park Association for their review and comment.

Andrew Canter: Mr. Canter, an eagle scout candidate, presented a request to Council for support of his project to construct benches in the City and for City funding for the bench frames. Mayor Davis noted that Council may wish to refer the issue to PRAB. Mr. Turnbull suggested a referral to APB. Mr. McLaughlin suggested the Senior Citizen Advisory Committee as well.

MINUTES:

Executive Session, May 24, 1999

Mr. Roberts moved that the minutes of the Executive Meeting of the City Council held Monday, May 24, 1999 be approved as presented. He further requested that the minutes of this meeting reflect that the Council met in Executive Session at 7:35 p.m. in the Municipal Building Library, and that Council held this closed meeting in accordance with Section 10-508 (a)(7) of the State

Government Article of the Annotated Code of Public General Laws of Maryland (1995 Replacement Volume) to consult with legal counsel to obtain legal advice. Mr. Turnbull seconded

ROLL CALL:

Mr. Putens - yes
Mr. Roberts - yes
Mr. Turnbull - yes
Mr. White - yes
Mayor Davis - yes

Executive Session, May 27, 1999

Mr. Roberts moved that the minutes of the Executive Meeting of the City Council held Thursday, May 27, 1999 be approved as presented. He further requested that the minutes of this meeting reflect that the Council met in Executive Session at 8:55 p.m. in the Municipal Building Library, and that Council held this closed meeting in accordance with Section 10-508 (a)(1) of the State Government Article of the Annotated Code of Public General Laws of Maryland (1995 Replacement Volume) to discuss personnel matters. Mr. White seconded.

ROLL CALL:

Mr. Putens - yes
Mr. Roberts - yes
Mr. Turnbull - yes
Mr. White - yes
Mayor Davis - yes

Executive Session, June 2, 1999

Mr. Roberts moved that the minutes of the Executive Meeting of the City Council held Wednesday, June 2, 1999 be approved as presented. He further requested that the minutes of this meeting reflect that the Council met in Executive Session at 10:06 p.m. in the Municipal Building Library, and that Council held this closed meeting in accordance with Section 10-508 (a)(1) of the State Government Article of the Annotated Code of Public General Laws of Maryland (1995 Replacement Volume) to discuss personnel matters. Mr. White seconded.

ROLL CALL:

Mr. Putens - yes
Mr. Roberts - yes
Mr. Turnbull - yes
Mr. White - yes
Mayor Davis - yes

Executive Session, June 9, 1999

Mr. Roberts moved that the minutes of the Executive Meeting of the City Council held Wednesday, June 9, 1999 be approved as presented. He further requested that the minutes of this meeting reflect that the Council met in Executive Session at 7:45 p.m. in the Municipal Building Library, and that Council held this closed meeting in accordance with Section 10-508 (a)(7) of the State Government Article of the Annotated Code of Public General Laws of Maryland (1995 Replacement Volume) to consult with legal counsel to obtain legal advice. Mr. Putens seconded.

ROLL CALL:

Mr. Putens - yes
Mr. Roberts - yes
Mr. Turnbull - yes
Mr. White - yes
Mayor Davis - yes

ADMINISTRATIVE REPORTS: Celia Craze provided a briefing on the Roosevelt Center project. She noted that there were funds (about \$16,000) left over in the contract since the removal and rebuilding of the base had not been needed. She suggested that Ms. Koehler return in August to work on restoring the base and finish work on the statue. She also raised the issue of fountain restoration. Ms. Craze noted that she had obtained estimates for the marquee restoration.

Mr. Roberts favored fountain restoration. Ms. Craze believed that staff could be ready at the July 12 meeting to address this issue.

Mayor Davis asked about the new benches being shaded. Ms. Craze responded that most benches were grouped under trees. Mayor Davis asked about the planned cafe chairs. Ms. Craze that chairs would not be bolted down in order to allow a flexible use of the space. She hoped users would treat the Center with respect. Mayor Davis asked about Ms. Koehler assessing the bas reliefs on the Community Center. Ms. Craze responded that this would have to wait till the next visit and suggested that the City may be eligible for an SOS grant for this assessment.

Mayor Davis noted that Chi-Chi's was closed and empty. She also reported on Greenbelt Night at the Bowie Baysox.

AN ORDINANCE TO AMEND CHAPTER 8, "ELECTIONS", OF THE GREENBELT CITY CODE FOR THE PURPOSE OF REQUIRING DISCLOSURE OF CAMPAIGN EXPENDITURES AND APPOINTMENT OF A TREASURER

Mayor Davis read the agenda comments. Mr. White introduced the above titled Ordinance for second reading and adoption. Mr. Turnbull seconded.

ROLL CALL:

Mr. Putens - yes
Mr. Roberts - yes
Mr. Turnbull - yes
Mr. White - yes
Mayor Davis - yes

The Ordinance was declared adopted. (Ordinance No. 1185. Book No. 11)

A RESOLUTION TO REPEAL RESOLUTION 868 AND TO ESTABLISH NEW SERVICE CHARGES FOR GARBAGE, TRASH AND RECYCLING COLLECTION IN THE CITY OF GREENBELT, MARYLAND EFFECTIVE JULY 1, 1999

Mayor Davis read the agenda comments. Mr. Putens introduced the above titled resolution for second reading and adoption. Mr. White seconded.

ROLL CALL:

Mr. Putens - yes
Mr. Roberts - yes
Mr. Turnbull - yes
Mr. White - yes
Mayor Davis - yes

The Resolution was declared adopted. (Resolution No. 894. Book No. 7)

A RESOLUTION TO ESTABLISH A TASK FORCE TO STUDY THE FEASIBILITY OF ESTABLISHING AN ASSISTED LIVING FACILITY(S) IN GREENBELT

Mayor Davis read the agenda comments. Mr. Putens introduced the above titled Resolution for first reading and suspension of the rules. Mr. White seconded.

Mr. White moved an amendment that committee membership be changed from "5 to 7" to "6 to 8". Mr. Putens seconded. The motion passed 5 to 0.

ROLL CALL:

Mr. Putens - yes
Mr. Roberts - yes
Mr. Turnbull - yes
Mr. White - yes
Mayor Davis - yes

Mr. Putens introduced the above titled resolution for second reading and adoption. Mr. White seconded.

Mr. Turnbull suggested that some of the original GHI members who helped establish the cooperative may be able to work with this task force.

ROLL CALL: Mr. Putens - yes

Mr. Roberts - yes
Mr. Turnbull - yes
Mr. White - yes
Mayor Davis - yes

The Resolution was declared adopted. (Resolution No. 895. Book No. 7)

A RESOLUTION TO REPEAL RESOLUTION 786 AND RESOLUTION 841 AND REENACT THEM WITH AMENDMENTS TO REVISE FEES AND PENALTIES RELATING TO THE COMMUNITY DEVELOPMENT PROGRAM OF THE CITY OF GREENBELT MARYLAND AS DESCRIBED IN CHAPTER 4 OF THE CITY CODE

Mayor Davis read the agenda comments. Mr. White introduced the above titled Resolution for first reading and suspension of the rules. Mr. Putens seconded.

ROLL CALL: Mr. Putens - yes

Mr. Roberts - yes

Mr. Turnbull - yes

Mr. White - yes

Mayor Davis - yes

Mr. White introduced the above titled resolution for second reading and adoption. Mr. Putens seconded.

Ms. Craze explained staff's proposal to use higher fines for subsequent violations. She noted that staff had never been put in this position, but this would allow a mechanism to deal with scofflaws.

ROLL CALL: Mr. Putens - yes

Mr. Roberts - yes

Mr. Turnbull - yes

Mr. White - yes

Mayor Davis - yes

The Resolution was declared adopted. (Resolution No. 896. Book No. 7)

A RESOLUTION TO AUTHORIZE HARRY G. IRVING TO SIGN CHECKS, VOUCHERS, AND PURCHASE ORDERS FROM JUNE 28 TO JULY 2, 1999

Mayor Davis read the agenda comments. Mr. Putens introduced the above titled Resolution for first reading and suspension of the rules. Mr. Roberts seconded.

ROLL CALL: Mr. Putens - yes

Mr. Roberts - yes

Mr. Turnbull - yes

Mr. White - yes

Mayor Davis - yes

Mr. Putens introduced the above titled resolution for second reading and adoption. Mr. Roberts seconded.

ROLL CALL: Mr. Putens - yes

Mr. Roberts - yes

Mr. Turnbull - yes

Mr. White - yes

Mayor Davis - yes

The Resolution was declared adopted. (Resolution No. 897. Book No. 7)

A RESOLUTION TO AUTHORIZE THE NEGOTIATED PURCHASE OF CERTAIN GOODS AND SERVICES FROM VARIOUS VENDORS AS ENUMERATED HEREIN WHEN TOTAL FISCAL YEAR PURCHASES FROM EACH VENDOR EXCEED TEN THOUSAND DOLLARS (\$10,000)

Mayor Davis read the agenda comments. Mr. Roberts introduced the above titled Resolution

AN ORDINANCE TO MAKE A SUPPLEMENTAL APPROPRIATION IN THE REPLACEMENT FUND FOR THE FISCAL YEAR ENDING JUNE 30, 1999 IN THE AMOUNT OF FIVE HUNDRED AND SEVENTY-FIVE THOUSAND DOLLARS (\$575,000) FOR ADDITIONAL REPLACEMENT FUND EXPENDITURES OVER THE APPROPRIATED AMOUNT

Mayor Davis read the agenda comments. Mr. Turnbull introduced the above titled Ordinance for first reading and suspension of the rules. Mr. Putens seconded.

ROLL CALL: Mr. Putens - yes

Mr. Roberts - yes

Mr. Turnbull - yes

Mr. White - yes

Mayor Davis - yes

Mr. Turnbull introduced the above titled Ordinance for second reading and adoption. Mr. Putens seconded.

ROLL CALL: Mr. Putens - yes

Mr. Roberts - yes

Mr. Turnbull - yes

Mr. White - yes

Mayor Davis - yes

The Ordinance was declared adopted. (Ordinance No. 1186. Book No. 7)

A RESOLUTION FOR REAPPROPRIATION OF FUNDS WITHIN DEPARTMENTS IN THE GENERAL FUND FOR THE FISCAL YEAR ENDING JUNE 30, 1999.

Mayor Davis read the agenda comments. Mr. Putens introduced the above titled Resolution for first reading and suspension of the rules. Mr. White seconded.

ROLL CALL: Mr. Putens - yes

Mr. Roberts - yes

Mr. Turnbull - yes

Mr. White - yes

Mayor Davis - yes

Mr. Putens introduced the above titled resolution for second reading and adoption. Mr. White seconded.

ROLL CALL: Mr. Putens - yes

Mr. Roberts - yes

Mr. Turnbull - yes

Mr. White - yes

Mayor Davis - yes

The Resolution was declared adopted. (Resolution No. 898. Book No. 7)

BRIEFING ON ACQUISITION OF COMMUNITY REALTY CORPORATION BY HOME PROPERTIES: Mayor Davis read the agenda comments.

Douglass Erdman provided an overview of the acquisition by Home Properties. He noted that Community Realty spent two years trying to identify a merger partner. Mr. Erdman stressed that the office and staff would remain in place and they would become a branch of Home Properties.

Mr. Erdman noted that Community Realty would continue to operate some commercial properties, but had sold all residential properties. He stressed that employee benefits packages would remain the same.

Jim Cassels, 22 Ridge Road, asked how many residential properties Home Properties would have. Mr. Erdman responded that they would have about 20 properties.

AWARD OF BID - STREET RECONSTRUCTION OF BREEZEWOOD DRIVE: Mayor Davis read the agenda comments.

Mr. Putens moved that Council award the project to NZI and directed staff to proceed with the project. Mr. White seconded. Mayor Davis asked about traffic calming. Mr. Ferguson responded that traffic calming was included in the reconstruction of the road. Mr. Ferguson noted that it may take until mid-September to complete the project.

The motion passed 5 to 0.

AWARD OF BID - STREET RECONSTRUCTION OF WESTWAY: Mayor Davis read the agenda comments.

Mr. Putens moved that Council award the project to NZI and directed staff to proceed with the project. Mr. Turnbull seconded. The motion passed 5 to 0.

MML STATEWIDE INITIATIVES: Mayor Davis read the agenda comments.

Mr. White suggested adding a review of the income tax formula.

Mr. White moved "Electric Deregulation - Allow Aggregation for Municipalities" and "Consideration of the Distribution of Income Tax" be submitted to MML as statewide initiatives for 2000. Mr. Putens seconded. The motion passed 5 to 0.

REQUEST FROM COG TO SUPPORT AMENDMENT TO S 492 : Mayor David read the agenda comments.

Mr. Roberts asked if this was a friendly amendment. Mr. McLaughlin could not state definitively, but believed it to be a friendly amendment.

Mr. White expressed concern about COG using this to facilitate growth and requested more information. Mayor Davis also noted concerns.

Mr. Roberts stated that Virginia tends to dominate COG Board decisions and believed their actions regarding water quality and development were not the best. He wanted to hear from Senator Sarbanes.

Mr. Turnbull favored no action pending what the city might learn from Senator Sarbanes. He also suggested the City contact the Chesapeake Bay Foundation and hold the item until the July 12 agenda.

MEMORIAL ACTION PLAN: Mayor Davis read the agenda comments.

Mr. White moved that Council endorse CRAB's memorial plan and policy and direct staff to begin work on the three action steps. Mr. Putens seconded.

Mr. Turnbull expressed discomfort with a city-backed process of memorialization and stated he would not support the motion.

Mayor Davis believed recognizing citizens was a part of the city's history.

The motion passed 4 to 1 (Turnbull)

TREE REMOVAL AT 56 CRESCENT: Mr. Roberts reported on a tree near 56 Crescent that GHI was planning to cut down. He stated his belief that the tree was healthy and should be saved.

Mr. McLaughlin reported that city staff had met with GHI. He noted that GHI's insurance company had identified this tree as a known hazard.

Mr. White asked if other alternatives short of cabling had been evaluated. Mr. McLaughlin reported on other measures that had been taken previously.

Judy Goldstein of 56-C Crescent, reported that the tree was full of concrete, because it was the oldest oak tree in Prince George's County. She believed there were other ways to save it. Ms. Goldstien did not believe the tree could fall.

Mr. Roberts expressed concern about the opinion of the Department of Natural Resources official. He believed the tree was more stable than other trees in the area.

Mr. Roberts moved that the Council send a letter of encouragement to GHI. Mr. Putens seconded.

Ruth Kastner of 125 Hedgewood Drive, stated that Greenbelt was about trees. She didn't believe that the City needed to worry about liability issues and suggested GHI get a different insurance company.

Jonathan Goldstein, of 56-C Crescent, stated that it was the oldest tree in Prince George's County. He stated that the tree had a romantic history.

Mr. Turnbull stated that GHI had given this considerable time and evaluation. He noted that the City's letter really wasn't offering anything to GHI.

John Leslie of 18 Laurel Hill, encouraged Council to look at the safety aspect of this issue. He expressed concern about the cabling proposal.

Mr. White asked if the City was aware that the tree was going to be executed. Mr. McLaughlin responded that Council had been made aware of this in the weekly packet. He favored the letter to GHI.

Mayor Davis clarified that the letter would include seeking out other alternatives, referencing the tree's historic significance, and stay the execution.

The motion passed 5 to 0.

A LETTER TO MARY PRANGLEY: Mayor Davis suggested that Council send a letter of thanks to Mary Prangley, former MML President and Mayor of Hyattsville, expressing appreciation for her many years of municipal service. Mr. Putens moved that the City send a letter. Mr. White seconded. The motion passed 5 to 0

MEETINGS: The work session on June 24 was canceled. Council scheduled work sessions on August 2 or 4 to discuss Standing Rules and meet with the Trust with Public Land.

Mr. Turnbull moved that Council schedule an Executive Session for Tuesday, June 22 at 7:15 p.m. Mr. White seconded.

ROLL CALL: Mr. Putens - yes

Mr. Roberts - yes

Mr. Turnbull - yes

Mr. White - yes

Mayor Davis - yes

ADJOURNMENT: Mr. Putens moved to adjourn the meeting. Mr. White seconded. The motion carried 5 to 0. Mayor Davis adjourned the regular meeting of Monday, June 21, 1999, at 11:25 p.m

Respectfully Submitted,

David E. Moran, CMC

City Clerk

"I hereby certify that the above and foregoing is a true and correct report of the regular meeting of the City Council of Greenbelt, Maryland, held June 21, 1999.

Judith F. Davis

Mayor